

09-28-01

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Date	EK469907056US September 27, 2001

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility Patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

☒ Specification Total Pages: 83
(Preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Application
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

☒ Drawing(s) (35 U.S.C. 113) Total Sheets 5

☒ Oath or Declaration Total Pages 1

☒ Newly UNexecuted (original or copy)

☐ Copy from a prior application (37 CFR 1.63(d))
(For continuation/divisional with Box 17 completed)

☐ Deletion of Inventor(s)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63 (d) (2) and 1.33(b).

☒ Application Data Sheet. See 37 CFR 1.76

☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

☒ Computer Readable Form (CRF)

Specification Sequence Listing on:

☐ CD-ROM or CD-r (2 copies) or

☒ Paper

☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

☐ Assignment Papers (cover sheet & documents)

☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney

☐ English Translation Document (if applicable)

☐ Information Disclosure Statement ☐ Copies of IDS (IDS) / PTO-1449 Citations

☐ Preliminary Amendment

☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

☐ Certified Copy of Priority Document(s)
(If foreign priority is claimed)

☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach from PTO/SB/35 or its equivalent

☒ Other: Copy of NRRL Deposit Receipts and NRRL Viability Statements

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior application no.

Prior application information:

Examiner:

Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

Correspondence Address

Customer Number:



25278

Name	Margaret A. Connor PATENT TRADEMARK OFFICE	Registration No. (Attorney/ Agent)	30,043
Signature	Margaret A. Connor	Date	September 27, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL FY2001

(Patent fees are subject to annual revision)

Certificate of Mailing by Express Mail
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Express Mail No.	EK469907056US
Date of Mailing	September 27, 2001
Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Linda S. Thomashow et al.
Examiner Name	
Group Art Unit	

TOTAL AMOUNT OF PAYMENT	(\$ 710.00)	Attorney Docket No.	0229.99
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METHOD OF PAYMENT	FEE CALCULATION (continued)
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1. The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account Number: 23-1058
Deposit Account Name: USDA-ARS-OTT
Patent Advisor

FEE CALCULATION

4 BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710.00	Utility Filing Fee	710.00
106	320.00	Design Filing Fee	
107	490.00	Plant Filing Fee	
108	710.00	Reissue Filing Fee	
114	150.00	Provisional Filing Fee	
Subtotal (1)			\$ 710.00

2. Extra Claim Fees

Total Claims	10	-20** =	Extra Claims	Fee From Below	=	Fee Paid
Independent Claims	3	-3** =	X		=	
Multiple Dependent					=	

** or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
103	18.00	Claims in excess of 20
102	80.00	Independent claims in excess of 3
104	270.00	Multiple dependent claims, if not paid
109	80.00	**Reissue independent claims over original patent
110	18.00	**Reissue claims in excess of 20 and over original patent

3. Additional Fees

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130.00	Surcharge - late filing fee or oath	
127	50.00	Surcharge - late provisional filing fee or cover sheet	
139	130.00	Non-English specification	
147	2,520.00	For filing a request for examination	
112	920.00*	Requesting publication of SIR prior to Examiner action	
113	1,840.00*	Requesting publication of SIR after Examiner action	
115	110.00	Ext. for reply within first month	
116	390.00	Ext. for reply within second month	
117	890.00	Ext. for reply within third month	
118	1,390.00	Ext. for reply within fourth month	
128	1,890.00	Ext. for reply within fifth month	
119	310.00	Notice of Appeal	
120	310.00	Filing a brief in support of an appeal	
121	270.00	Request an oral hearing	
138	1,510.00	Petition to institute a public use proceeding	
140	110.00	Petition to revive - unavoidable	
141	1,240.00	Petition to revive - unintentional	
142	1,240.00	Utility issue fee (or reissue)	
143	440.00	Design issue fee	
144	600.00	Plant issue Fee	
122	130.00	Petitions to the Commissioner	
123	50.00	Petitions related to provisional applications	
126	240.00	Submission of Information Disclosure Statement	
581	40.00	Recording each patent assignment per property (times number of properties)	
146	690.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690.00	For each additional invention to be examined (37 CFR § 1.129(b))	
Other Fee (specify)			
* Reduced by Basic Filing Paid			
Subtotal (3)			\$ 0.00

SUBMITTED BY

Name (Print/Type)	Margaret A. Connor	Registration No.	30,043	Telephone	510-527-1418 or 510-559-6067
Signature	<i>Margaret A. Connor</i>	Date	September 27, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Linda S. Thomashow et al.
	Title	Sequences Encoding PhzO and Methods
	Atty Docket No.	0229.99
	Express Mail No. / Date	EK469907056US September 27, 2001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 27, 2001

Date

Margaret A. Connor

Signature

Margaret A. Connor

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

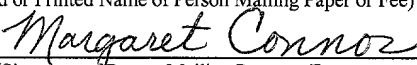
If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Docket No. 0229.99

PATENT

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Date of Deposit: September 27, 2000

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Margaret A. Connor
(Typed or Printed Name of Person Mailing Paper or Fee)

(Signature of Person Mailing Paper or Fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
LINDA S. THOMASHOW ET AL.)
)
Sequences Encoding PhzO and Methods)
Plant Root Diseases)

STATEMENT OF SEQUENCE CORRESPONDENCE

The Honorable


The Director of Patents & Trademarks

Sir:

I hereby state that the sequence information recorded in the computer readable form
(CRF) copy of the Sequence Listing filed herewith in accordance with 37 CFR 1.821(e) is the
same as the sequence information in the paper copy of the Sequence Listing filed in accordance
with 37 CFR 1.821(c), submitted herewith, and includes no new matter.

The computer readable form (CRF) of the sequence listing was prepared using PatentIn
Version 3.1; Machine Format: IBM-PC; Operating System: MS-Windows; List of Files:
PhzO.ST25, File size: 16KB; Text Document created September 24, 2001.

Respectfully submitted,


Margaret A. Connor
Attorney of Record
Registration No. 30,043

Telephone: (510) 527-1418 or (510) 559-6067

Enclosures:

Computer Readable Form (CRF) of Sequence Listing
Paper Copy of Sequence Listing

096515-09201
FO229.99 ST59650